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and the Proposed Subclasses

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BROOKDALE SENIOR LIVING INC.
and BROOKDALE SENIOR LIVING
COMMUNITIES, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STACIA STINER, et al.,

,
Plaintiffs,

v.

BROOKDALE SENIOR LIVING, INC. et al.

Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION AND ORDER RE
ONE WEEK EXTENSION FOR
PLAINTIFFS TO FILE REPLY IN
SUPPORT OF MOTION TO
CERTIFY SUBCLASSES**

1 Plaintiffs and Defendants hereby jointly submit the following stipulation and proposed
2 Order permitting a one-week extension of the current May 28, 2024, deadline for Plaintiffs to file
3 and serve their reply brief and supporting papers in support of Plaintiffs' Motion for Certification
4 of Facility-Level Access Subclasses and continuing the hearing date on the Motion for
5 Certification of Subclasses from June 13, 2024 to June 27, 2024.

6 **STIPULATION**

7 WHEREAS, on February 9, 2024, pursuant to this Court's Order of February 7, 2024 (ECF
8 No. 733) granting leave to do so, Plaintiffs filed their Motion for Certification of Facility-Level
9 Access Subclasses. ECF No. 740.

10 WHEREAS, on February 13, 2024, the Court set a briefing schedule on the Motion for the
11 Certification of Facility-Level Access Subclasses which required that Defendants file their
12 Opposition to the Motion by May 13, 2024, and that Plaintiffs file their Reply by May 27, 2024,
13 with a hearing date on the motion set for June 13, 2024. ECF No. 744.

14 WHEREAS, on February 15, 2024, the Court granted the parties' stipulation extending by
15 one day, to May 28, 2024, Plaintiffs deadline for filing their Reply in support of the Motion based
16 on the fact that May 27, 2024, is a federal holiday. ECF No. 749.

17 WHEREAS, Defendants filed their Opposition to the Motion for Certification of Facility-
18 Level Subclasses on Monday, May 13, 2024.

19 WHEREAS, Defendants' Opposition raises numerous factual and legal issues and is
20 accompanied by more than a thousand pages of supporting documents including multiple expert
21 and non-expert declarations, underlying data and exhibits.

22 WHEREAS, having evaluated Defendants' Opposition and supporting papers, Plaintiffs
23 believe that they require an additional week to prepare thorough and accurate Reply papers that
24 address the issues presented in the Opposition.

25 WHEREAS, on May 13, 2024, Defendants filed a Motion for Clarification of the Court's
26 March 30, 2023, Order Re Definition of the Wheelchair and Scooter Users Injunctive Relief
27 Subclass, or, in the Alternative Motion to Modify Same. ECF No. 782 ("Motion for
28 Clarification"). The Motion is noticed for hearing on June 27, 2024.

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1 WHEREAS, under the Local Rules, Plaintiffs' Opposition to the Motion for Clarification is
2 due on the same day as their Reply in support of the Motion for Certification of Facility-Level
3 Subclasses, May 28, 2024.

4 WHEREAS, Plaintiffs have proposed that the deadline for Plaintiffs to file their Reply in
5 Support of the Motion to Certify Subclasses be extended by one week, from May 28, 2024, to
6 June 4, 2024.

7 WHEREAS, Defendants have agreed to a one-week extension of Plaintiffs deadline for
8 filing their Reply provided that the hearing date on the Motion to Certify Subclasses is continued
9 from June 13, 2024, to June 27, 2024, the date on which the Motion for Clarification is noticed for
10 hearing, to which Plaintiffs have no objection.

11 NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to this Court's approval, as
12 follows:

- 13 1. The deadline of May 28, 2024, Plaintiffs to file their Reply brief and supporting papers
14 in support of Plaintiffs' Motion for Certification of Facility-Level Subclasses is
15 extended to June 4, 2024.
- 16 2. The hearing on Plaintiffs' Motion for Certification of Facility-Level Subclasses is
17 continued from June 13, 2024, to June 27, 2024, at 2 p.m.

18 **IT IS SO STIPULATED.**

19 DATED: May 17, 2024

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

20
21 By: /s/ Guy B. Wallace
Guy B. Wallace

22 Attorneys for Plaintiffs and the Class

23
24 DATED: May 17, 2024

MOORE & LEE, LLP

25 By: /s/ Erica Rutner
26 Erica Rutner

27 Attorneys for Defendants

ATTESTATION PER LOCAL RULE 5-1(i)(3)

The e-filing attorney hereby attests that concurrence in the filing of the document has been obtained from each of the other signatories indicated by a conformed signature (/s/) within this e-filed document.

Dated: May 17, 2024

/s/ Guy B. Wallace

Guy B. Wallace

SCHNEIDER WALLACE
COTTRELL KONECKY, LLP

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Dated: May 17, 2024

/s/ Guy B. Wallace

Guy B. Wallace

SCHNEIDER WALLACE
COTTRELL KONECKY, LLP

ORDER

The Court, having considered the above Stipulation of Plaintiffs and Defendants and good cause appearing therefore, **IT IS HEREBY ORDERED** as follows:

1. The deadline of May 28, 2024, Plaintiffs to file their Reply brief and supporting papers in support of Plaintiffs' Motion for Certification of Facility-Level Subclasses is extended to June 4, 2024.
2. The hearing on Plaintiffs Motion for Certification of Facility-Level Subclasses is continued from June 13, 2024, to June 27, 2024, at 2 p.m. in Courtroom 2 of the above-entitled Court.

IT IS SO ORDERED.

Dated: 5/17/2024


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge